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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,331

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Sandy Chu

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EXAMINER

DAM, KIM LYNN

ART UNIT

PAPER NUMBER

2179

NOTIFICATION DATE

DELIVERY MODE

01/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

mn

Office Action Summary

Application No.

10/763,331

Applicant(s)

CHU, SANDY

Examiner

Kim-Lynn Dam

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/7/07 has been entered.
2. Claims 1-2, 4-16 and 18-27 are pending. Applicant amended claims 1, 2, 14, and 15. Claims 1 and 24 are independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6-10, 15, 16, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Park (USPN 6,995,805) and Erdelyi (USPN 6,631,522).

Regarding claim 1, Applicant's own admitted prior art disclosed a method for effect addition in video edition, comprising:

selecting and arranging a plurality of clips, wherein said plurality of clips being arranged as successive and non-overlapped but non-integrated clips (Background, Page 3, lines 4-5; (Figure 1B), where it is inherent that there are a plurality of clips if each clip is sequentially imported to be later integrated with step 170);

making a plurality of mark in points of said plurality of the non-integrated clips (Background, Page 3, lines 5-6; Figure 1B step 160);

adding effects to said plurality of mark in points of said plurality of the non-integrated clips (Background, Page 3, lines 7-9; Figure 1B); and

displaying the clips (It is inherent from Applicant's admitted prior art (Background) that the clips are displayed to allow the editing).

Applicant's admitted prior art did not specifically disclose wherein said mark in points being made by using a scene scan and further according to the joints of the clips. However, Park disclosed detecting and marking scene changes (Column 6, lines 35-46; Column 7, lines 40-45) and Erdelyi disclosed determining the in and out points which define the beginning and end of consecutive clips (Column 12, line 66 to Column 13, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the marking techniques of Park and Erdelyi with the video editing of the Applicant's admitted prior art since automatically scanning to mark detected scene changes is more efficient than manually making mark in points (Applicant's admitted prior art, Page 1, line 20 to Page 2, line 4) and making mark in points according the joints of clips allows for effect addition between the clips.

Regarding claim 2, the rejection of claim 1 is incorporated and further Applicant's prior art disclosed wherein said plurality of non-integrated clips includes different formats after the mark in points have been made (Page 2, lines 6-16).

Regarding claim 6, the rejection of claim 1 is incorporated and further Park disclosed wherein scene scan is used to generate a scene scan sensitivity of each frame of said plurality of clips (Column 5, lines 17-29; Figure 1).

Regarding claim 7, the rejection of claim 1 is incorporated and further Park disclosed wherein said plurality of mark in points are made by comparing said scene scan sensitivity with a scene scan sensitivity threshold (Column 5, lines 17-29; Figure 1; Column 2, lines 39-54).

Regarding claim 8, the rejection of claim 1 is incorporated and Applicant's admitted prior art disclosed further comprising making said mark in points manually by users (Background: Page 1, line 21-23; Page 2, lines 21-22).

Regarding claim 9, the rejection of claim 8 is incorporated and further Applicant's admitted prior art did not specifically disclose wherein said making said mark in points manually by users is before making said plurality of mark in points by using said scene scan. However Applicant's admitted prior art disclosed further comprising making said mark in points manually by users (Background: Page 1, line 21-23; Page 2, lines 21-22)

and Park disclosed making said plurality of mark in points by using said scene scan (Background, Page 2, lines 21-22) or making said mark in points manually by users (Figure 1 (where method includes options for manual or auto detect)). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Park into the video editing of the Applicant's admitted prior art since automatically scanning to mark detected scene changes is more efficient than manually making mark in points for all the scenes (Applicant's admitted prior art, Page 1, line 20 to Page 2, line 4). One of ordinary skill in the art would have found it motivated to have the option for users to manually make mark in points before using the scene scan since it would provide users with more flexibility and alternatives for making mark in points.

Regarding claim 10, the rejection of claim 1 is incorporated and further Park disclosed making said plurality of mark in points according to the recording time when said clip includes said recording time (Column 6, lines 35-46; Column 7, lines 40-45; Figure 1, element 140 (where recording time is where the scene changes)).

Regarding claims 15 and 20-24, they are the corresponding system claims of claim 2 and 6-10. Therefore all the limitations of claims 15 and 18-24 have been addressed above, and claims 15 and 20-24 are rejected under the same rationale.

Regarding claim 16, the rejection of claim 14 is incorporated and further the Applicant's admitted prior art disclosed joining and integrating a plurality of clips to become an integrated clip (Figure 1A; Page 2, lines 18-21).

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Park (USPN 6,995,805) and Erdelyi (USPN 6,631,522) as applied to claim 1 above and further in view of Zhang (US 2003/0112265).

Regarding claim 4, the rejection of claim 1 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said mark in points are further made according to where the scene information are. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 5, the rejection of claim 1 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said scene information can be selected from the audio, graphic and text. However, Zhang disclosed marking

where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

6. Claims 11-14, 18-19 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's own admitted prior art in view of Park (USPN 6,995,805) and Erdelyi (USPN 6,631,522) as applied to claim 1 above, and further in view of Matsui et al. (USPN 6,674,955).

Regarding claim 11, the rejection of claim 1 is incorporated and neither Applicant's admitted prior art or Park specifically disclosed further comprising configuring an effect type and an effect duration for forming an effect, wherein said effects are added to said plurality of mark in points according to said effect type and said effect duration.

However, Matsui disclosed the above limitation (Figure 30; Column 41, lines 7-20). It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Matsui into the video editing of the Applicant's prior art and system of Park since configuring an effect type and effect duration for effect addition would create better transitions resulting in a more harmonious integrated clip (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 12, the rejection of claim 11 is incorporated and neither Applicant's admitted prior art, Park, or Matsui expressly teach further comprising filtering out said mark in points, wherein said mark in point is filtered out when the range of the adding effect on said mark in point according to said effect type and said effect duration overlaps the range of another said mark in point and the scan order of said mark in point is later than said another mark in point. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Applicant's admitted prior art, Park and Matsui, because they teach the adding of effects to mark in points (See above rejections). The skilled artisan would determine that a mark in point could be filtered out when adding of an effect to that mark in point overlaps another mark in point, since creating a transition between the scene changes to reduce disharmony is the primary purpose of adding effects to those mark in points (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 13, the rejection of claim 11 is incorporated and neither Applicant's admitted prior art, Park, or Matsui expressly teach further comprising adjusting said effect duration of said mark in point, wherein said mark in point is adjusted when the range of the adding effect on said mark in point according to said effect type and said effect duration overlaps the range of another said mark in point and the scan order of said mark in point is later than said another mark in point. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Applicant's admitted prior art, Park and Matsui, because they teach the

adding of effects to mark in points (See above rejections). The skilled artisan would determine that effect duration of a mark in point could be adjusted when adding of an effect to that mark in point overlaps another mark in point, since creating a transition between the scene changes to reduce disharmony is the primary purpose of adding effects to those mark in points (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 14, it is the corresponding system claim of claim 11. Therefore all the limitations in claim 14 have been addressed above and claim 14 is rejected under the same rationale.

Regarding claim 18, the rejection of claim 14 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said mark in model further comprises making said plurality of mark in points according to where the scene information are. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 19, the rejection of claim 14 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said scene information

can be selected from the audio, graphic and text. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claims 25-27, they are the corresponding system claims of claims 11-13. Therefore, all the limitations of 11-13 have been addressed above, and claims 25-27 are rejected under the same rationale.

Response to Arguments

Applicant is reminded that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

7. Applicant's arguments filed 12/7/07 have been fully considered but they are not persuasive. Applicant's arguments regarding Applicant's own disclosure in Fig. 1B

allege that it does not disclose the claimed invention. However, even though clips are individually browsed and marked, there is still a plurality of clips that are marked and later integrated with step 170.

Applicant's arguments regarding claim 2 are not persuasive because Applicant's disclosure still discloses a plurality of non-integrated clips including different formats (Page 2, lines 6-16), after mark in points have been made (Figure 1B, step 160) since integrating the clips does not happen until step 170.

In response to applicant's argument on page 9 regarding claims 12 and 26 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (manual adjustment) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It should be noted that the plain language of the claim does not exclude manual or require automatic adjustment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam



WEILUN LO
SUPERVISORY PATENT EXAMINER